

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:09CR17**

**UNITED STATES OF AMERICA,**

**Vs.**

**ALBERT CHARLES BURGESS.**  
\_\_\_\_\_

)  
)  
)  
)  
)  
)

**ORDER**

**THIS MATTER** is before the court on defendant's Motion to Enforce Order of this Court (#160). Such motion is contained in a paper writing that also contains additional motions that have not been assigned to the undersigned and are before the district court. In the Motion to Enforce Order of this Court, defendant contends that the subpoenas allowed to be issued by this court either have not been issued or not been complied with. As the previous Orders of this court reflect, the court assigned responsibility for creation of allowed subpoenas to stand-by counsel. In the Second Memorandum and Recommendation and Order (#139), the court directed as follows:

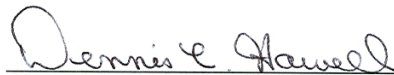
As a logistical matter, the court will delegate to stand-by counsel, Mr. Devereux, the duty to insure that any subpoenas allowed pursuant to this order be filled out, issued by the Clerk of Court, and delivered to the United States Marshal for service forthwith. The costs incurred by the process and the fees of the witnesses so subpoenaed shall be paid in the same manner in which similar costs and fees are paid in the case of a witness subpoenaed on behalf of the government. Defendant is advised that use of stand-by counsel in this regard is intended so that such subpoenas may be filled out in a manner that makes them regular in appearance and form, which would likely be beneficial to defendant.

Id., at 16. The court will now require stand-by counsel to file a written report as to what was accomplished in issuing such subpoenas.

**ORDER**

**IT IS, THEREFORE, ORDERED** that defendant's Motion to Enforce Order of this Court (#160) is **HELD IN ABEYANCE**, and stand-by counsel shall file a written status report with the court by August 5, 2010, as to what has been accomplished in issuing the allowed subpoenas. No response is required from the government.

Signed: July 22, 2010

\_\_\_\_\_

Dennis L. Howell  
United States Magistrate Judge

